

America's waterways have always been a vital force providing opportunities for commerce, routes for exploration, inspiration of ideas, means of recreation, sources of drinking water and creating much of the natural beauty that helps define our national identity. Perhaps most importantly, our waters seamlessly connect our citizens, our land, and our communities to one another. ...

Throughout history, the path to prosperity has been plied down America's waterways. —Al Gore

The Virginia Scenic Rivers Act of 1970 created a statewide program to protect and preserve rivers or sections of rivers having natural or scenic beauty and cultural and historic interest. Since the first scenic river designation in 1975, 22 rivers totaling more than 480 river miles have been recognized, including one State Historic River. Thirteen additional rivers have been evaluated and found to qualify for scenic river designation. The most recent addition to the scenic rivers program is the Meherrin River located in Brunswick County and designated by the 2006 Virginia General Assembly.



Governor Kaine signs 2006 legislation for the designation of 37 miles of the Meherrin River in Brunswick County. Photo by Lynn Crump

Benefits of Virginia Scenic River designation

- Provides opportunities to consider scenic, cultural and historic resources in planning and design.
- Requires Federal Energy Regulation Commission (FERC) reviews of hydropower or related project proposals to include multiple river values for affected rivers.
- Encourages closer review of projects and proposals by state agencies and localities.
- Requires General Assembly authorization for dams.

- Allows for continued appropriate riparian land uses.
- Allows state, local and federal projects on designated waterways to be reviewed and monitored by the Virginia Scenic River Board.
- Provides a framework for appointment of a local Scenic River Advisory Committee.
- Provides eligibility for land use tax considerations, if locally adopted.
- Provides the potential for additional economic benefits to the adjacent community.

More Scenic River Program information can be found at: www.dcr.virginia.gov.

Findings

- Virginia's most precious natural resources include more than 49,000 miles of rivers and streams.
- The Scenic Rivers program is more than 30 years old, and it continues to expand and support important river resources across the state.
- Rivers and streams provide drinking water, recreational opportunities, habitat for fish and wildlife, resources for commerce, and some of our most scenic vistas.
- Informal, traditional river access sites are being lost when land use changes from agricultural to residential, and the new smaller lot owners prohibit public use of the property.
- Scenic river designation promotes a greater awareness of the value of rivers among the citizens of Virginia.
- Virginia's rivers are facing increasing threats from pollution associated with development, poor farming practices and urbanizing landscapes.
- Waterways should be managed from a multi-use approach, including scenic and cultural values, wildlife resources, and recreation potential as well as for appropriate commercial use.

- Planning for an entire watershed, designation of appropriate land uses near waterways, and implementation of riparian buffers to protect stream-bank erosion and filter adjacent agricultural runoff is necessary to protect water resources.
- Ninety percent of all the physical resources cherished by residents of a region fall in water, wetlands and steep topography area (Lewis).

Recommendations

- Local governments should nominate candidate streams and rivers for study and possible Scenic River designation.
- The Virginia Department of Conservation and Recreation (DCR) should continue to administer and promote the Scenic Rivers Program and to re-evaluate and expand the base of information about rivers and streams.
- DCR should include scenic river corridors, existing and qualified, as elements of a green infrastructure land-planning model.
- DCR and the Scenic River Advisory Board should promote rivers qualifying for designation.
- DCR should monitor designated rivers to determine continued eligibility based on current conditions to ensure the integrity of the Scenic Rivers Program.
- The Scenic River Advisory Board should develop a Scenic River Manual outlining the benefits and process of designation, as well as procedures and tools for managing river resources. The board should co-sponsor a workshop on scenic and aesthetic resources along with DCR, other agencies, universities and organizations.
- DCR should continue to review and comment on various permit applications to state and federal regulatory agencies with respect to possible impacts on existing and potential components of the scenic river system. DCR will also continue to review and comment on all bridges to provide visual and boating access to rivers whenever possible.
- DCR should assist local governments with development of planning tools (for example, land use overlays, corridor management plans) that will afford special recognition and protection to Virginia's Scenic Rivers.
- Scenic river signage should be coordinated with the Virginia Department of Transportation (VDOT) and DCR under the Tourist Oriented Directional Signage

(TODS) program to improve scenic river program awareness.

The Commonwealth of Virginia has diversity of rivers and streams that is matched by few other states. ... The scenery of these streams varies from remote canyons to urban areas, from coastal swamps to mountain cliffs, from open pasturelands to dense forests."

—Roger Corbett



The Scenic River Advisory Board evaluates the Appomattox River. Photo by DCR.

Program background

The Virginia Scenic Rivers system comprises both tidal and nontidal rivers, and extends from the coastal region of Virginia to the mountains. The fabric of the system includes rivers whose corridors are rich in history, natural resources and recreational opportunities. Many of the designated rivers flow through rural and undeveloped areas of the state. However, segments of the James, Appomattox, and Rappahannock scenic rivers trace their respective courses through more developed environments and cities. Each river is unique, but all possess qualities that make them worthy of recognition.

One hundred years ago, the importance of the Urban James River was almost totally commercial. It provided a seaport, a power source, a raw materials source, and a waste site. ... Our priority is to preserve its beauty, its flora and fauna, its artifacts, its water quality, and its ambience [as a] most important amenity.

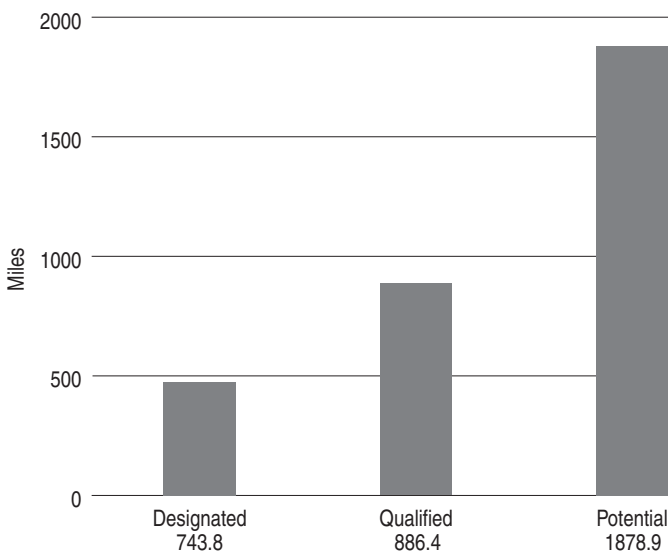
—John Bryan

Scenic Rivers

The designation process

Local support is needed to introduce a bill for scenic river designation or extension by the Virginia General Assembly. The General Assembly and the governor must approve each addition to Virginia's Scenic River system. The inclusion of a river in the scenic rivers system provides a framework whereby the preservation of that river is encouraged. The elements of this protective framework are delineated below in the order in which they appear in the Scenic Rivers Act. Currently there are several scenic river extensions at various stages of consideration (see Chapter X. Regional Analysis/Recommendations)

Figure VII-2 Status of Scenic Rivers



The *Code of Virginia*, §10.1-401, assigns the following duties and powers to the director of DCR:

- Identify rivers or river segments, including shores and natural environs, to be considered for designation.
- Conduct evaluations of rivers or segments to be considered for designation.
- Recommend rivers or segments to be considered for designation to the governor and General Assembly.
- Should a river be designated, the DCR director may acquire real property or interest in lands which offer protection to the Scenic River, but eminent domain cannot be exercised in acquiring any such property or interests.

The *Code of Virginia*, §10.1-402, provides that DCR may fully review and make recommendation to federal, state and local agencies regarding the planning for

use and development of water and related land resources so that scenic rivers resources are protected.

The *Code of Virginia*, §10.1-407, states that after the designation of a scenic river, no dam or other structure that impedes natural flow thereof shall be constructed, operated or maintained in such river unless specifically authorized by an act of the General Assembly.

The Scenic Rivers Act prescribes the powers and duties of the administering agency, DCR in the *Code of Virginia*, §10.1-405. The duties include:

- Administration of the scenic river system to preserve and protect its natural beauty and to assure its use and enjoyment for its scenic, recreational, geologic, fish, wildlife, historic, cultural or other assets, and to encourage the continuance of existing agricultural, horticultural, forestry, and open space land and water uses.
- Periodically surveying each scenic river and its immediate environs and monitoring of all existing and proposed uses of each scenic river and its related land resources.
- Assisting local governments with problem solving associated with the Virginia Scenic Rivers System in consultation with the director, the board and other advisory committees.

Scenic Rivers Advisory Board

The *Code of Virginia*, §10.1-406, established the Virginia Scenic River Board, consisting of citizen representatives from around the Commonwealth be appointed by the governor. The board considers all issues, plans and proposals that could alter rivers within the scenic river program and advises the DCR director and the agency regarding these matters. The board intends to develop a process, materials and outreach to enhance support of the program at all levels of government for improved scenic river management. This could take the form of a Scenic River manual.

Until the *Code of Virginia* was amended in 2003 to create a single Scenic River Advisory Board, each designated scenic river had a gubernatorial-appointed local advisory board. Currently, if citizens and localities surrounding a particular scenic river wish to appoint a local advisory board to advise on river protection issues, they can request such a board be appointed by the DCR director. DCR staff will provide technical assistance as needed to local advisory boards. The Historic Falls of the James and Goose Creek are two local scenic river advisory boards that

Fold out Insert Map VII-6-Scenic rivers
(11"x17" – color)

Table VII-6 Scenic River Designations

Scenic River Designations			
Title	National Wild & Scenic River System	American Heritage Rivers Initiative	Virginia Scenic Rivers Program
Mission/ Intent	to protect designated river segments	to foster community empowerment, help protect & restore the environment, revitalize the economy, renew the culture & preserve history.	to identify, designate and enhance the protection rivers & streams that possess outstanding scenic, recreational, historic and natural characteristics of statewide significance for future generations through wise use & conservation
Designation From	U.S. Congress or the Secretary of the Interior	Presidential decree	Virginia General Assembly
Administrator	National Park Service	Environmental Protection Agency	Department of Conservation & Recreation
Date Enacted	1968	1997	1970
# Rivers	156 (2004); none in VA	14; New & Potomac	19; +436 miles
Criteria for Designation	possessing outstanding or remarkable scenic, recreational, geological, natural, historical, cultural, or other similar values	distinctive inherent characteristics of river, effective community plan of action, strength & diversity of community support, partnerships capability	river corridor vegetation, flow modifications, human development, historic, landscape, quality of fishery, endangered species, water quality, parallel roads, crossings, special features, and aesthetics
Area Defined	within 1/4 mile of ordinary high water mark	none	river bottom to ordinary low water mark
Impacts/ Restrictions	free-flowing condition and are not dammed or otherwise improved.	more effective use of federal resources w/ help of River Navigator to facilitate community-agency interchange	No dams may be put on the river without General Assembly action
Manager of Corridor	ACOE, BLM, NPS, USFS, USFWS, & various states	localities	localities
Funding	through managers	none	none
How to Add	any time w/ complete report & acceptance of management plan	through congressional decree	request from locality & complete report
Additional information	http://www.nps.gov/rivers/	http://www.epa.gov/rivers/	http://www.dcr.virginia.gov/prr/srmain.htm

What state Scenic River recognition does

- Designation encourages protection and preservation of the river.
- Designation declares the protection of a river's scenic values to be a beneficial purpose of water resource policy.
- Designation identifies DCR as the administering agency.
- Designation requires the Virginia Scenic Rivers Advisory Board, whose members are appointed by the governor, to advise the director of DCR on the federal, state or local plans that impact the designated river segment and to give local citizens a voice in river-related issues.
- After designation, the General Assembly must approve construction of any dam that would result in an impediment to the natural flow of the river.
- For properties along designated scenic rivers, a special tax assessment may be given to reduce the tax liability, as valued by the State Land Evaluation Advisory Council, if adopted by the locality.
- The Federal Energy Regulatory Commission (FERC) recognizes Virginia's designated Scenic River System. This acknowledgement of the program ensures that the qualities of the designated river are considered during licensing of federal projects on that river.

What state Scenic River designation does not do

- Designation does not give the state control over land use.
- Designation does not impose land use controls.
- Designation does not give the public any right to use privately owned land.
- Virginia does not commercially promote its scenic rivers.
- Recreational use of the rivers currently in the Scenic Rivers System has not increased any more than the use of high quality streams that are not in the system.



Russell County's Big Cedar Creek, a tributary of the Clinch River adds almost 6 miles to the Scenic River Program. Photo by Lynn Crump.

remain active and provide input to the state Scenic Rivers Advisory Board. The state and local advisory boards work closely with local government agencies and area citizens providing expertise instrumental in resolving resource management issues. DCR continues to provide technical assistance to local communities on river corridor planning, preservation and management upon request.

Local government involvement

Scenic river protection and management rests with local governments. Through comprehensive planning, zoning and special use tax incentives, localities are able to maintain the quality of their scenic river resources while allowing continued development and other important landowner activities. DCR works with local governments and citizens to study potential scenic rivers and encourages their participation in the evaluation process. Following evaluation, if the river qualifies as a scenic river, the locality must advocate for designation. Once designated, local governments have the primary responsibility for protection of the designated corridor.

Steps to designation

Scenic river designations result from local partnership initiatives of concerned citizens, local governments, state agencies and the Virginia General Assembly (see Map VII-6). This partnership begins in the evaluation phase and continues through and after the designation process. The grassroots effort of many citizens ensures the quality and continued success of the program.

A methodology has been established that is used to objectively evaluate potential scenic rivers and determine their eligibility for designation. The same tool is used to monitor changes on system components to ensure each section continues to meet the standards. The evaluation and ranking procedure provides data for formulating goals, objectives and priorities for management of designated scenic river corridors.

1. The designation and scenic river nomination process is initiated with a request from a localities' governing board to DCR for a study of the candidate river segment.
2. DCR and local representatives then conduct a study and determine the eligibility of the river segment based on scenic river attributes.
3. Following the evaluation, DCR writes a report of the findings and makes a determination of eligibility for the studied river.

4. The local governing board must pass a resolution endorsing designation of the qualifying river segment after the study is completed.
5. Once the resolution is passed, a legislative sponsor will submit the bill to the General Assembly.
6. After acceptance by the General Assembly, the governor signs the bill designating the river as a Virginia Scenic River.
7. The localities then work with VDOT to erect scenic river signage and work with the Virginia Scenic Rivers Boards to manage the river resources.

Scenic River Designation is based on the following attributes:

- Stream corridor vegetation
- Streambed and stream flow modifications
- Human development of visual corridor
- Historic features
- Landscape
- Quality of fishery
- Rare, threatened or endangered species
- Water quality
- Parallel roads
- River crossings
- Other special features affecting aesthetics

Federal river initiatives

Several federal agencies help to manage, protect and promote the river systems of Virginia (see program comparison chart). The Department of the Interior's Wild and Scenic Rivers Program, which has been in existence since 1968, is administered by the National Park Service and helps to protect river sections through designation and planning technique implementation or ownership. None of the 156 federally designated rivers are located in Virginia. However, there is currently an effort to designate part of the New River in Virginia and West Virginia as a national scenic river.

The American Heritage Rivers Initiative, a program administered by the Environmental Protection Agency (EPA) is geared toward fostering communities to take advantage of their river resources for economic revitalization and protection of resources. Federal resources

Scenic Rivers

are coordinated with the help of a river navigator. Both the New and the Potomac Rivers and its tributaries are recognized under this program.

EPA has a program that helps preserve and promote the sensitive aspects of rivers. The America's Most Endangered Rivers Program, in existence since 1986, recognizes the rivers with critical and near-term threats. The threats can be from a number of sources, including damming, overdevelopment, industry and sewage waste. Each year, a report identifies threatened rivers and offers solutions for protection. It also highlights the successes of rivers listed in previous years. In 2006, the Shenandoah River was listed. Seven other Virginia rivers have been on the endangered rivers list in previous years with various success rates. Those rivers are: James, Saint Mary's, Clinch and Powell system, Potomac, Pagan, Mattaponi and Paine Run.

An amendment to the National Trails System Act in 2006 designated the Captain John Smith Chesapeake National Historic Trail as the nation's first water trail (see Water Access subsection of this chapter). At the same time, a resolution in the senate had been brought forth to recognize Virginia's James River as "America's Founding River." These efforts illustrate the immense importance of rivers and their protection both at a national and state level. Because the John Smith Trail and Founding River initiatives are a part of the Jamestown 400 celebration, there is additional attention to these nationally significant resources.

The United States Forest Service (USFS), although it does not have a designation process, helps protect the waters of Saint Mary's Virginia Scenic River. The river is completely contained within National Forest Service lands. Management is the responsibility of the USFS, as opposed to private or other governmental entities, which can make the protection easier.

The Virginia Scenic Rivers Program and the federal river programs focus on conservation and appropriate

use of scenic rivers and river corridors. All state and federal agencies must consider how their projects and programs affect state scenic rivers.

...our rivers are a part of our national commons – a meeting ground where Americans from all walks of life gather to trade, reflect, rejoice, and restore. As we move into the twenty-first century with a renewed sense of stewardship and appreciation for our rivers, we must carry that spirit with us.

As quoted by Al Gore (Cronin and Kennedy, 1997, p.12)

Technical assistance for Scenic River designation or protection

DCR provides technical assistance to agencies and organizations interested in designating rivers under the scenic river program and developing corridor management plans for the protection of river corridors.

Department of Conservation and Recreation Division of Planning and Recreation Resources

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Selected resources

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